IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.122 OF 2003
IN
LETTERS PATENT APPEAL ST.NO.10683 OF 2003
IN
WRIT PETITION NO.6098 OF 2001

The Executive Engineer & Ors. ..Applicants

V/s.

Shri Raghunat Waman Deshmukh ..Respondent

Mr.S.R.Nargolkar Assistant Government Pleader for the applicants.

Ms.Preetam Tendulkar i/by M.S.Karnik for Respondent.

Coram : R.M.LODHA &
R.S.MOHITE,JJ

Date : 2.5.2005.

PC

. On 4.6.2002 the learned single Judge dismissed the Writ petition filed by the present applicants. Aggrieved thereby, Letters Patent Appeal has been filed on 17.3.2003. Since the Letters Patent Appeal suffers from delay, the applicants have made the application for condonation of delay.

2. In the application it is stated that on 7.6.2002 the application for certified copy of the order dated 4.6.2002 was made. The certified copy of the order dated 4.6.2002 was ready on 21.6.2002 and it

was delivered to the appellants on 28.6.2002. The opinion from the Assistant Government Pleader was sought on 27.11.2002 and then permission from Law & Judiciary department was sought for filing Letters Patent Appeal. The permission was received on 20.1.2003 and then Letters Patent Appeal has been preferred.

3. Though the certified copy was delivered on 28.6.2002, as per the application, the opinion from the Assistant Government Pleader was sought on 27.11.2002. There is no explanation as to why for a period of 5 months the matter remained un-attended and by whom. There is no explanation as to why department of Law & Judiciary took 7 weeks in dealing with the opinion of the Assistant Government Pleader in granting permission. Even after the permission from Law & Judiciary department was given on 21.1.2003, there is no explanation why it took about 2 months in filing Letters Patent Appeal. There is laxity at every stage by every person concerned in dealing with the matter and long delay of 238 days remains un-explained.

4. Though Letters Patent Appeal is barred by time yet we examined the Letters Patent Appeal on merits and on careful consideration of the award dated 24.10.2000 passed by the presiding officer, Labour

Court, Nasik, we find that the award did not suffer from any infirmity. The learned single Judge cannot be said to have committed any error in dismissing the Writ petition. Thus even otherwise, the Letters Patent Appeal has no merits.

5. Letters Patent Appeal as well as Civil application are rejected accordingly.

(R.M.LODHA,J)

(R.S.MOHITE,J)

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. In view of rejection of Letters Patent Appeal, this Civil application does not survive and is rejected accordingly.

(R.M.LODHA,J)

(R.S.MOHITE,J)